IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Regular Second Appeal No. 3715 of 2005

Date of decision : 11.12.2006

Gurcharan Singh ... Appellant

Versus

Jagsir Singh ... Respondent.

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Present: Mr. Suresh Goel, Advocate
for the appellant.

Mr. Tribhuvan Singla, Advocate
for the respondent.

...

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

JUDGMENT

The present Appeal is directed against the judgment and decrees passed by the Courts below whereby suit for recovery of Rs.2,22,000/-, i.e. Rs.1,50,000/-as the principal amount and Rs.72,000/- as interest, on the basis of a pro-note dated 5.5.1999 in the sum of Rs. 1,50,000/- was decreed.

To prove the execution of pro note, the plaintiff examined Vinod Kumar, attesting witness PW-1 and Makhan Singh, PW-3 (Scribe). The plaintiff also appeared as PW-2 as his own witness.

Both the Courts below have discussed the entire evidence to conclude that the execution of pro-note stands proved and once the execution is proved, the same carries presumption of truth under Section 118 of the Negotiable

Instruments Act. The appellant has sought to challenge the finding regarding execution of pro-note by way of re-appreciation of evidence. It could not be pointed out that any evidence was not taken into account while returning the concurrent finding of fact by the first Appellate Court. It is not open to the appellant to challenge the finding of fact in this second appeal.

Accordingly, I find no illegality or irregularity in the concurrent finding of fact recorded by both the Courts below which may warrant interference by this Court in this second appeal as no substantial question of law arises in this case.

Dismissed.

(HEMANT GUPTA)
JUDGE

December 11, 2006

RS